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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,773	02/19/2004	Osamu Satoh	249158US3	3597
22850	7590	01/31/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			BRASE, SANDRA L	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,773

Applicant(s)

SATO, OSAMU

Examiner

Sandra L. Brase

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-37 and 53 is/are allowed.
- 6) ☒ Claim(s) 38-40, 42, 48, 51 and 52 is/are rejected.
- 7) ☒ Claim(s) 41, 43-47, 49 and 50 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/7/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 47 is objected to because of the following informalities. Appropriate correction is required.

In claim 47, lines 2-3, "said detour path" does not have antecedent basis, where claim 47 could depend upon claim 43 to provide the antecedent basis, or include the limitations drawn towards the detour path contained in claim 43.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 38-40, 42, 48, 51 and 52 rejected under 35 U.S.C. 102(b) as being anticipated by Kimura et al. (JP 11-007191).

4. Kimura et al. (...191) disclose an image forming apparatus including a developing device, comprising: a developing sleeve (6b) capable of forming a magnetic brush, disposed facing a latent image carrying member (10) and disposed within a housing which is almost airtight except for the portion where the developing sleeve faces the latent image carrying member, in order to effect processing for visualizing electrostatic latent images formed on the

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latent image carrying member (figure 2), the developing sleeve having fixed magnets (N1, S1, N2, N3, S2, N4 and S3) radially arranged inside the developing sleeve; wherein an opening, formed in a wall face of the housing facing the developing sleeve, faces the leading edge of the developing agent carried by the developing sleeve following the processing for visualizing the electrostatic latent images, the opening being located between adjacent magnets (N1 and S1) (figure 2). The opening is provided between an entrance of the housing where the developing agent carried by the developing sleeve begins to enter the housing following finishing the processing for visualizing the electrostatic latent images, and a position where a transporting magnetic pole provided to the developing sleeve is disposed (figure 2). The opening is positioned upstream in the direction of movement of the developing sleeve for a magnetic pole positioned downstream from a developing primary magnetic pole facing the latent image carrying member (figure 2). The opening communicates the inside of the developing device (figure 2). The gap between the developing sleeve and the wall face of the housing at a position prior to the developing agent passing the opening facing the developing sleeve is equal to the gap between the developing sleeve and the wall face of the housing at a position following the developing agent passing the opening facing the developing sleeve (figure 2). The gap, G2, between the developing sleeve and the wall face of the housing at a position prior to the developing agent passing the opening facing the developing sleeve is equal to the thickness of the layer of developing agent carried by the developing sleeve which has passed the developing region, t , thus the gap between the entrance of the housing where the developing agent enters and the latent image carrying member, G1, is larger than $G2-t$ (figures 1 and 2; and ([0019]) and ([0049])).

Allowable Subject Matter

5. Claims 41, 43-47, 49 and 50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 1-37 and 53 are allowed.

Response to Arguments

7. Applicant's arguments with respect to claims 38-40, 42, 48, 51 and 52 have been considered but are moot in view of the new ground(s) of rejection.

Final Rejection

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra L. Brase whose telephone number is (571) 272-2131. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley, can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sandra L. Brase
Primary Examiner
Art Unit 2852

January 30, 2006